

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION SIX

SEARS, ROEBUCK AND COMPANY¹

Employer

and

Case 6-RC-12139

UNITED STEELWORKERS OF AMERICA,
AFL-CIO, CLC²

Petitioner

REGIONAL DIRECTOR'S DECISION AND ORDER

The Employer, Sears Roebuck and Company, is engaged in the operation of retail stores, and in the repair and service of appliances. The Employer's operation at issue herein involves its McMurray, Pennsylvania, product services district. The Petitioner, United Steelworkers of America, AFL-CIO, CLC, filed an amended petition with the National Labor Relations Board under Section 9(c) of the National Labor Relations Act seeking to represent a unit of all full-time and regular part-time service techs and parts employees³ employed by the Employer at its Harrisburg facility; excluding all other employees including office clerical employees and professional employees, guards and supervisors as defined in the Act.

¹ The Employer's name appears as amended at the hearing.

² The Petitioner's name appears as amended at the hearing.

³ The record reflects that the Employer does not employ employees at the Harrisburg branch, or at any of its branches, in a job classification entitled "parts employee." Rather, it appears from the record that the individuals who perform that function at branch facilities, such as the Harrisburg facility, have the title of "sales support specialist."

At the hearing and in their briefs⁴, the parties disagree on whether the petitioned-for unit is an appropriate unit for the purposes of collective bargaining. The Employer, contrary to the Petitioner, contends that a district-wide unit encompassing all service technicians and all support specialists⁵ is the smallest appropriate unit. If a district-wide unit is found appropriate, the parties also disagree as to the status of three lead positions outside the Harrisburg facility, namely the truck stock specialist, shipper/receiver lead and customer relations lead. The Petitioner, contrary to the Employer, asserts that the individuals occupying these positions are statutory supervisors.

I have considered the evidence and arguments presented by the parties as to the scope of the unit. I have concluded, as discussed below, that the petitioned-for employees do not have an identity which is sufficiently separate from that of the other service technicians and related support specialists in the McMurray District as to warrant their placement in a separate unit. Inasmuch as the Petitioner has indicated that it is unwilling to proceed to an election in any unit other than the petitioned-for unit, I need not determine the supervisory status of the three lead positions in dispute.⁶

To provide a context for my discussion of the issue, I will first provide an overview of the Employer's operations. I will then present, in detail, the facts and reasoning that support my conclusions on the issue.

⁴ Both parties filed timely briefs in this matter which have been duly considered by the undersigned.

⁵ Support specialists are also referred to as support associates in the record.

⁶ It appears that the parties agree that certain support specialists would be properly included in any unit found appropriate. In this regard, the Petitioner seeks those support employees who deal with parts at the Harrisburg branch facility. There are various other support classifications such as the next-day router, same-day router, message specialist, shipper/receiver lead, and audit cashier throughout the District who may or may not have a sufficient community of interest so as to require their inclusion with service technicians. In light of my determination that all service technicians in the District must be included in any unit found appropriate, I need not, and do not, decide those issues here.

I. OVERVIEW OF OPERATIONS

The Employer, a New York corporation with headquarters in Hoffman Estates, Illinois, is engaged in the operation of retail stores, and in the repair and service of appliances. The Employer's Product Services Division has 70 product services districts⁷ throughout the United States. Product Services encompasses in-home repairs, repairs at branch facilities of "carry in merchandise" and parts sales from the sales floor at branch facilities. By virtue of the location of the Harrisburg branch facility, the only district involved herein is the Employer's McMurray District, herein referred to as the District or the McMurray District.

The McMurray District is comprised of 14 branches,⁸ one of which is the Harrisburg facility referred to in the petition. The layout of the branch facilities appears to be uniform. All branches have a parts sales floor with a counter, associate desk area, storage area for parts bins and a break area. The McMurray District office has management offices, a warehouse and a sales floor.

As stated, the Petitioner seeks to represent approximately 21 service technicians and approximately 4 support specialists who work at or out of the Harrisburg branch facility. The Employer's proposed unit would consist of approximately 230 employees, comprised of approximately 164 service technicians and 66 support specialists. No history of collective bargaining is demonstrated in the record within the District, or in the petitioned-for unit..

On June 9, 2002, seven branch locations, including Harrisburg, were added to the McMurray District. At that time, the Employer consolidated the branches that formerly made up

⁷ The record establishes that in 1993 the Employer centralized operations at the district level. Since then, each district has been responsible for a certain number of branches.

⁸ The 14 branches within the District are located in Pennsylvania, West Virginia, Ohio and Maryland. The branches in Pennsylvania are: Pittsburgh, West Mifflin, Wexford, Uniontown, Greensburg, Johnstown, State College, Altoona, Harrisburg, Lancaster and DuBois. The West Virginia, Ohio and Maryland branches are located in Bridgeport, St. Clairsville and Cumberland, respectively.

the Johnstown, Pennsylvania, district into the McMurray District. The geographic distance between the McMurray central facility and the branches now ranges from 11 to 250 miles.⁹

District Service Manager Kim Popella is responsible for the overall operations of the District. Reporting to Popella are District Human Resources Manager Lynne Nese, six Tech Managers (“TMs”), Support Manager Al Duval¹⁰ and Parts Supervisor Rick Poorman¹¹. Each branch facility has a branch manager, all of whom report directly to Duval.¹² The Tech Managers directly supervise the service technicians, and the branch managers supervise the support specialists who work at the branch.¹³

II. DUTIES OF SERVICE TECHNICIANS

To best service its customers, the Employer divides service calls within the District into “call load” areas. The call loads are based on the number of calls per zip code. A group of zip codes make up a work area which, in turn, makes up a call load area. In the McMurray District, the Employer has nine call load areas designated by the letters A through I.¹⁴ Call loads do not

⁹ Seven of the branches are less than 100 miles from the McMurray District facility.

¹⁰ Duval supervises 25 support specialists and 3 lead employees who work at the McMurray District office.

¹¹ Poorman oversees sales floor associates, the shipper/receiver and parts backroom support at the McMurray District office.

¹² The parties stipulated, and I find, based on their possession and exercise of supervisory authority, that the following individuals are supervisors within the meaning of Section 2(11) of the Act: District Manager Kim Popella, District Human Resources Manager Lynne Nese, Technical Managers Jim Semler, Jim Coombs, Sandy Kleitz, Carole Oblock, Mike Twomley and Bob Santaguido, Support Manager Al Duval, Parts Supervisor Rick Poorman and Branch Managers Cheryl Pistorius, Bob Kuhn, Jeanne Wade, Wes Lindner, J.B. Flood, Bob Ash, Patty Koval, Rich Lucas, Tom Hall, Rita Eaves, Juan Davis, Mary Jane Hopp and Butch Kutlik. The record establishes that Tom Hall is the branch manager for both the Altoona and State College branch facilities.

¹³ There are between one and five support specialists at each branch.

¹⁴ Call load A encompasses the McMurray, Pittsburgh, Wexford, West Mifflin and Uniontown areas. Call loads B, C, D, E, F and I cover the St. Clairsville, Ohio, area; Bridgeport, West Virginia, area; and Greensburg, Johnstown, DuBois and Cumberland, Maryland, areas, respectively. Call load G encompasses the State College and Altoona areas, and call load H encompasses the Harrisburg and Lancaster areas.

necessarily correspond to an area where a branch facility is located. For instance, call load A, called the Pittsburgh call load, covers McMurray and the Pittsburgh metropolitan area in which five branch facilities are located. Call load G covers State College and Altoona, and call load H encompasses Harrisburg and Lancaster. In both call load G and call load H there are two branch facilities.

Service technicians are classified by the type of work they perform. This classification also determines which Technical Manager will supervise the technician. The Employer employs 12 appliances and electronics (A & E) technicians in the District,¹⁵ all of whom report to Tech Manager Jim Semler. Lawn and garden (LG) technicians repair items such as tractors, snow blowers and lawnmowers. LG technicians in call loads A, B and C report to Tech Manager Semler, and LG technicians in call loads D, E, F, G, H and I report to Tech Manager Bob Santaguido.¹⁶ Home appliance (HA) technicians repair microwaves, dryers, washers, disposals and dishwashers which are manufactured by companies other than Whirlpool. The HA technicians in call loads A, B, C and H report to Tech Manager Coombs and those in call loads D, E, F, G and I report to Tech Manager Twomley. Home electronics (HE) technicians repair projection TVs, VCRs, and stereo equipment. Tech Manager Kleitz normally oversees the HE technicians in call loads A, B and C, but currently supervises all HE technicians in the District in Santaguido's absence. Hearing and ventilating (HV) technicians work with air conditioners, refrigeration, heating, water heat and water treat systems. HV technicians are divided between Tech Managers Oblock and Kleitz. Oblock oversees the HV technicians in call loads A, B and C, and Kleitz oversees the HV technicians working in the rest of the call loads.¹⁷

¹⁵ These technicians work in Pittsburgh, Greensburg, Harrisburg/Lancaster and DuBois. A & E technicians perform repairs on Whirlpool manufactured brand appliances and electronics.

¹⁶ Inasmuch as Santaguido is temporarily out of work on a short-term disability leave of absence, Semler is temporarily responsible for all of the LG technicians in the District.

¹⁷ Semler, Coombs, Kleitz and Oblock work at the McMurray District office. Twomley works at the State College branch and Santaguido works at the Harrisburg branch.

The Employer employs four outlet technicians who work at two outlet facilities within the District, two of whom report to Semler and two of whom report to Kleitz.¹⁸ The outlet facilities sell products which have been returned by a customer. Outlet technicians perform any necessary repairs on the returned items. The record establishes, however, that outlet technicians perform service calls at customers' homes on an as-needed basis in addition to performing repairs at the outlet facility. Finally, the record reveals that when a customer calls in need of an emergency repair, there are technicians designated as emergency technicians who work throughout the entire District.

None of the service technicians, except the outlet technicians, report to any of the branch locations or the District office. Rather, since October 1, 2001, all technicians have been routed from their homes in accordance with the Employer's Home Dispatch Program. This method of operation is made possible by the use of hand-held terminals ("HHTs"), which are carried by every technician. The HHT communicates the daily routes, produces receipts and provides all records for each service order worked on by the service technician. Every morning, the technician downloads his service calls to the HHT and then begins his daily route directly from home. All information regarding the customer calls, such as work completed, parts used, and parts needed to complete the job, is input into the HHT throughout the day. Each technician is also equipped with a cellular phone. The District support personnel and TMs communicate throughout the day with technicians via an HHT message or by cell phone.¹⁹ Every two days technicians must mail all receipts, paperwork and customer payments to the District office.

¹⁸ The parties stipulated that A & E technicians and outlet technicians would be properly included if a district-wide unit is found appropriate.

¹⁹ If a technician's HHT fails, he is expected to call the HHT/Fleet Coordinator in the District office.

Staffing decisions are determined at the District office. The Employer utilizes a computerized technical payroll planner and support payroll planner which projects the monthly hours to be allotted among the technicians and support specialists. The payroll planners track both the hours worked by personnel during the previous year and the trends for the preceding two-month period. Utilizing the technical payroll planner, District Service Manager Popella determines the number of hours technicians will be scheduled. Support Manager Duval determines the number of hours support specialists will be scheduled using the support payroll planner. Tech managers and branch managers then allot the hours among the service technicians and support specialists under their supervision.

After the technicians' schedule is created, Popella forwards it to the District's Routing Department. The Routing Department determines the approximate number of calls each scheduled technician will perform each day. The goal of the Routing Department is to create the most efficient route for service technicians.

The Route Manager for the McMurray District is Jack Palmer. Reporting to Palmer are one next-day router, three same-day routers and four message specialists. This team creates service orders and handles customer calls for service technicians in the McMurray District. Since September 9, 2002, the District's Routing Department has been physically located in Raleigh, North Carolina.²⁰

The routing function begins when a customer calls the toll-free number for service. The customer is required to provide his or her zip code and to describe the problem. With this information, a service order is created by the Routing Department. The computer screen will then show the next available date for service. The customer agrees on that date or a later date,

²⁰ Prior to September 9, 2002, the Routing Department was physically located in the McMurray District office.

and the service order is completed.²¹ The day before the service call is scheduled, a next-day router performs a pre-edit.²² With this information, the next-day router preassigns all of the special request orders. The computer then creates routes for each technician to follow the next day and generates a work area report showing the number of stops, amount of free time and total mileage on a technician's route. The next-day router reviews the report and makes any adjustments to improve the route.

Customer calls received during the night are assigned by the computer to available time slots on the routes of technicians. The same-day routers review the revised work area reports and again make any necessary adjustments. Technicians cannot create their own service orders or schedule service calls on their routes. During the course of completing the daily route, technicians will contact the routing office if a customer is not at home. The routing office then endeavors to contact the customer so that the technician can again attempt to complete the service call. In addition, if a technician realizes he is over-scheduled during the course of the day, he will contact the routing office to remove calls from his route. No one at any branch facility has any responsibility with respect to the routing of technicians.

Popella and Duvall also use the payroll planners in determining the need for layoffs. If the number of service calls has decreased such that layoffs are necessary, a technician will be laid off from the call load where calls are diminishing. The initial criteria for selecting a technician for layoff is a "below expectations" rating on a performance review. The second consideration in selecting employees for layoff is a technician's part-time or flex time status. The final consideration in selecting an employee for layoff is the seniority of the technicians

²¹ The record establishes that if a customer comes into a branch facility, one of the support specialists will call the toll free number for the customer and provide the relevant information to create a service order.

²² Pre-edits identify customer requests such as a specific time for a technician's call or that a particular technician make the service call. A pre-edit also involves a determination of whether more than one technician is needed to handle a particular call.

regularly scheduled to handle calls in the targeted call load area. The same system is used for support specialists.

Technicians have few reasons to report to a branch facility. Technicians can be routed to a branch facility to perform a service call on an item that must be repaired at the branch. Technicians may choose to stop at a branch facility to be reimbursed for tolls incurred on the route or to drop off surplus parts. In addition, technicians who participate in the uniform program²³ can drop off their uniforms to be cleaned by a contract cleaning service at a branch facility.

The record establishes that while technicians are generally assigned to specific call load areas, they are often assigned to service a call in another call load area if the workload necessitates such an assignment or if a technician with certain expertise is required for a particular call. The record contains one instance of a service technician from call load A (Pittsburgh) answering a service call in call load H (Harrisburg/Lancaster) and one where a technician in call load H was assigned to a service call in call load A. While traveling the distance between Pittsburgh and Harrisburg²⁴ appears to be an infrequent occurrence, technicians from call load H (Harrisburg/Lancaster) take calls in call load G (State College/Altoona) more frequently. HE technicians who generally work in call load A regularly handle the home electronic calls in call loads B, C and D (St. Clairsville, Ohio; Bridgeport, West Virginia; and Greensburg, Pennsylvania). Technicians from call load G (State College/Altoona) regularly handle calls in call load F (DuBois). Call load I (Cumberland, Maryland) is handled by a technician who primarily works in call load G (State College/Altoona)²⁵ and one from call load A (Pittsburgh).

²³ The uniform program is a voluntary program.

²⁴ The driving time involved was approximately four hours each way.

²⁵ The technician who handles this area drives one and a half hours to his first call on a daily basis.

The record contains several examples of temporary interchange of support specialists working at branch locations to other locations when assistance is needed in a particular branch. In addition, branch managers are required to assist at least one other branch facility in its inventory process.²⁶ Tech managers and branch managers assist at other facilities sponsoring special sales events. When the District opened a parts distribution center in Royerstown, Pennsylvania²⁷, technicians from call load areas A and B inventoried and packaged parts at the McMurray District office. In addition, technicians who require light duty assignments have performed support functions.

Transfers within the District have also occurred among service technicians and support specialists, and management. For instance, Technical Manager Oblock was previously a route manager. Branch Manager Coombs was an HE Service Technician before becoming branch manager. One support specialist working in a part-time position at the Wexford branch location became a full-time support specialist at the Pittsburgh branch office. The record also contains one other example of a technician who transferred to a routing department position.

III. SUPPORT FUNCTIONS WITHIN THE MCMURRAY DISTRICT

In addition to the routing function described above, service technicians benefit from several district-wide support functions handled by personnel working at the McMurray District office. Support specialists performing customer relations, auditing,²⁸ clerical data entry and parts functions²⁹ work in the McMurray District office. The District Shipper/Receiver lead at the McMurray District office distributes all items to be sold on the sales floors of the branch facilities.

²⁶ Inventory occurs at different times once per year at each branch location.

²⁷ Previously, parts were stored at the McMurray District office.

²⁸ The audit cashier reconciles the monies received by the service technicians with reports downloaded from their HHTs.

²⁹ Parts backroom support specialists receive surplus parts from branches and return them to the suppliers. Parts sales support specialists work on the sales floor at the District. The District also employs three Parts Pros who procure hard to find or emergency parts for service technicians.

In addition, Support Manager Al Duval handles expense control for the entire District. Thus, Duval oversees the purchasing of cellular telephones for the technicians and oversees the purchasing of all supplies for the District. Duval also determines services needed at branch facilities such as snow plowing, lawn care and cleaning.

The District provides centralized services related to technicians' vehicles. The District employs a Truck Stock Specialist who ensures that technicians' trucks are properly stocked. The Truck Stock Specialist orders parts from the central distribution center in Royerstown, Pennsylvania, and arranges for the needed parts to be mailed directly to the technicians' homes. Tech Managers and service technicians communicate with the Truck Stock Specialist via a toll-free number. The monitoring, inspection and repairing of technicians' trucks and HHTs are handled on a district-wide basis by the HHT/Fleet Coordinator. The HHT/Fleet Coordinator also sends replacement HHTs to technicians' homes. The record reveals that the HHT/ Fleet Coordinator is in regular contact with the technicians throughout the district via cellular phone.

The District customer relations department³⁰ handles all customer complaints arising in the District. Thus, if a customer complains of faulty service, undelivered parts or an improper charge, the customer relations staff evaluates and attempts to remedy the problem.³¹ The complaint report is then passed on to the Tech Manager who oversees the technician involved for review with the technician. Customer relations employees also reprocess customer orders from technicians' HHTs. This becomes necessary when a service order cannot be downloaded because of some error, such as failing to correctly code a part or incorrectly entering a service call code.

Branch support specialists also assist service technicians in their daily work. These support specialists are responsible for handling all support functions for technicians, including

³⁰ One customer service lead and six customer relations associates work at the McMurray District office.

³¹ Any adjustments to payments are controlled by the District's auditing department.

receiving, shipping, waiting on and assisting customers who bring merchandise into the facility for repair, creating paper service orders for technicians who are routed to the branch and waiting on walk-in customers who purchase parts from the branch sales floor.

IV. DISTRICT-WIDE POLICIES AND BENEFITS

The payroll for employees within the District is processed at the McMurray District office by a timekeeper. Technicians punch in and out throughout the day on their HHT. If a technician neglects to punch in or out, the timekeeper will call the technician directly. Paychecks are sent directly from the District to the technicians' homes. The timekeeper also maintains the time records of support specialists who work out of the branches.³² Likewise, all personnel files are maintained in the District Human Resources office.

The record establishes that the District Human Resources Manager is in charge of recruitment, monitoring discipline, employment testing and screening, and orientation of all service technicians and support specialists in the District. Final approval for hiring for technicians and support specialists comes from Popella or Duvall. All new employees go through the same orientation program provided by Human Resources Manager Nese. All training in the District is performed by a Regional trainer. All employees in the District receive the same employee handbook. Full-time employees, whether technicians or support specialists, have uniform benefits and policies, including medical and dental insurance, personal holidays and vacations. Support specialists' and service technicians' job openings are posted throughout the District and there are no limitations, including geographic limitations, as to who can apply for openings. Notices of job openings are faxed from the McMurray District office to all branches. In addition, all job openings are messaged to the service technicians on their HHT's.

³² The time records of support specialists working at the branch facilities are sent to the District office each week by the branch manager.

Technicians and support specialists are subject to the Employer's evaluation and disciplinary processes. With respect to evaluations, all employees in the District are evaluated using the same performance review form. The service technicians in the District are evaluated two times per year and are rated on district-wide performance results of productivity and number of trips per repair goals.³³ All employees, including technicians and support specialists are also rated on six separate leadership principles.³⁴ Tech managers, branch managers and other management staff are evaluated based on the performance results of those reporting to them.

The Employer has a district-wide attendance policy which applies to both technicians and support specialists. This policy is initiated after the employee reaches a set number of absences. The District call off procedure requires technicians to call both Human Resources Manager Nese or her assistant and the routing department. Technicians do not call any branch facility. Support specialists working at a branch facility are directed to call off to the branch manager.

The disciplinary process for infractions other than attendance is also uniform throughout the District. Employees with performance problems are referred to Popella or Duvall by the Tech Manager or the Branch Manager for the Employer's performance program for improvement, or PPI process.³⁵

There is one wage scale for technicians and one for support associates in the District. All of these employees are hourly paid and have the same payday. The technicians' hourly rate starts at \$11.70. There is no maximum wage rate for technicians. The support specialists' hourly rate starts at \$7 per hour, and like the technicians' wages, there is no maximum wage

³³ The productivity and number of trips per repair are performance goals which are based on averages from the entire District. Support specialists are evaluated based on the performance results of protection agreement sales and sales per man hour.

³⁴ The leadership principles are customer focus, change management, drive for results, teamwork, performance management and diversity/inclusiveness.

³⁵ The PPI process involves a 30, 60 and 90-day review.

rate.³⁶ Technicians and certain support specialists, namely customer relations employees and support sales specialists, can sell protection agreements³⁷ to customers and will receive a 6 percent commission on the sale. Technicians are scheduled to work from 8 a.m. to 4:30 p.m. on Mondays through Saturdays. The hours of support specialists range from 7:30 a.m. to as late as 6 p.m. on Mondays through Saturdays.³⁸

The District has established a safety committee comprised of one technician from each call load area and one support specialist from each branch facility. Popella, Duvall, Nese and District Parts Supervisor Poorman are also members of this committee, as are several branch managers. The District also has a newsletter that is distributed to all employees in the District.

V. ANALYSIS AND RESOLUTION OF SCOPE OF UNIT ISSUES

A single-facility unit is presumptively appropriate unless it has been so effectively merged into a more comprehensive unit, or is so functionally integrated, that it has lost its separate identity. Dattco, Inc., 338 NLRB No. 7 (Sept. 27, 2002); New Britain Transportation Co., 330 NLRB 397 (1999). To determine whether the presumption has been rebutted, the Board considers such factors as centralized control of daily operations and labor relations, including the extent of local autonomy; similarity of employee skills, functions and working conditions; degree of employee interchange; distance between locations; and bargaining history, if any. J & L Plate, Inc., 310 NLRB 429 (1993); Bowie Hall Trucking, Inc., 290 NLRB 41, 42 (1988). Where an employer's operations are highly integrated as a result of its customers' demands for time-sensitive service, the employees at different locations are subject to

³⁶ The only exception is that the starting wage rate of the parts sales employees working in the Pittsburgh branch facility is \$8.00 per hour.

³⁷ The record indicates that customers can purchase protection agreements under which service for maintenance and repairs on appliances is covered.

³⁸ While the record indicates that coverage is provided from Monday through Saturdays, the record does not reveal the actual weekly schedule of each technician and support specialist.

overlapping supervision, there is frequent contact between employees, the employees have uniform duties and working conditions, and the central office exercises broad authority over daily operations and labor relations, the presumptive appropriateness of the single-facility unit is rebutted. Purolator Courier Corp., 265 NLRB 659, 662-663 (1982); American Courier Corporation, 184 NLRB 602 (1970).

The record establishes that the Employer's operations and labor relations are highly centralized. The McMurray District exercises broad authority over the branches and there is little, if any, autonomy vested in the branch management. Indeed, technicians have no true connection to the branch facility closest to their call load area. Technicians report directly to District Tech Managers who oversee technicians from several different call loads, and thus from different geographic areas. Technicians begin and end their daily routes from their homes.

All inventory and supplies are maintained at the District and distributed to the branches. All routing is done by the District and the technicians maintain regular contact with the District, not with the branches, during the course of their work day. When technicians need guidance or assistance, they look to Technical Managers who are based at the District. Cf. Rental Uniform Service, Inc., 330 NLRB 344 (1999) (Where service representatives were assigned to one facility, began and ended their routes at the assigned facility and reported directly to a supervisor at the facility, the Board found that the single facility presumption was not rebutted.)

Just as administrative services are controlled by the District, the District Human Resources department serves the entire district. Employees' wage levels are uniform throughout the District. Technicians and certain support specialists have the ability to sell protection agreements to customers, and all receive the same commission for such sales. Moreover, technicians are rated on performance goals that are based on district-wide averages. Hiring is done with substantial involvement from the District. In this regard, the record indicates that the District Human Resources Manager prescreens and conducts the initial interview of job

applicants, and that any disagreement between the branch manager and the Human Resources Manager regarding the suitability of an applicant is resolved by Popella or Duval. The record is clear that Branch managers cannot independently hire applicants. Decisions to lay off and transfer employees are made at the District. Tech Managers and branch managers have no authority to deviate from procedures and policies concerning attendance and customer relations set by District Service Manager Popella. Employees' personnel files, time and payroll records are maintained at the District.

The branch facilities are separated from the District's offices and from each other, but the distance between them does not warrant a finding that the petitioned-for unit is appropriate, in view of the other factors discussed herein. See e.g., Macy's West, Inc., 327 NLRB 1222 (1999); Dayton Transport Corporation, 270 NLRB 1114 (1984); Orkin Exterminating Company, 258 NLRB 773, 774 (1981). Employees throughout the District serve on a safety committee. The District has its own newsletter. Employees working throughout the District also have regular contact through centralized training, and job vacancies are posted and filled throughout the District. There is no history of collective bargaining at any of the individual facilities.

Based on the foregoing, I find that the service technicians who service the call load area covering the Harrisburg area and the support specialists at the Harrisburg facility are so functionally integrated with the remaining employees in the McMurray District that they have no separate identity. In these circumstances, the smallest appropriate unit consists of the service technicians and related support specialists in the McMurray District.

VI. FINDINGS AND CONCLUSIONS

Based upon the entire record in this matter and in accordance with the discussion above, I find and conclude as follows:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.
3. The Petitioner claims to represent certain employees of the Employer.
4. No question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.

Inasmuch as the Petitioner has indicated that it is not willing to proceed to an election in a unit broader in scope than the petitioned-for unit, I shall not direct an election in any unit at this time. Accordingly, I shall dismiss the instant petition.³⁹

ORDER

IT IS HEREBY ORDERED that the petition filed herein be, and it hereby is, dismissed.

VII. THE RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, D.C. 20570-0001. This request must be received by the Board in Washington by 5 p.m., EST on **November 15, 2002**. The request may **not** be filed by facsimile.

Dated: November 1, 2002

Gerald Kobell
Regional Director, Region Six

NATIONAL LABOR RELATIONS BOARD
Room 1501, 1000 Liberty Avenue
Pittsburgh, PA 15222

440-3325
440-3375-7500

³⁹ As previously noted, in view of my determination herein, I find it unnecessary to pass upon the supervisory status of the truck stock specialist, shipper/receiver lead and customer relations lead.